

**SUPREME COURT MINUTES
MONDAY, JULY 28, 2008
SAN FRANCISCO, CALIFORNIA**

S045060**PEOPLE v. LOKER (KEITH
THOMAS)**

Opinion filed: Judgment affirmed in full

Opinion by: Corrigan, J.

-----joined by: George, C. J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

**S089623
(LESTER****PEOPLE v. WILSON

HARLAND)**

Opinion filed: Conviction & specials aff., penalty reversed

The judgment of guilt is affirmed. Because the trial court improperly discharged Juror No. 5 during penalty phase deliberations, we reverse the penalty phase judgment.

Opinion by: Werdegarr, J.

-----joined by: George, C. J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S148949 E039518 Fourth Appellate District, Div. 2**PEOPLE v. ALLEN (TONY
LEE)**

Opinion filed: Judgment affirmed in full

Opinion by: George, C. J.

-----joined by: Kennard, Baxter, Werdegarr, Chin, Moreno, & Corrigan, JJ.

S165280**REMMERT (SHIRLEY V.) v.
S.C. (VENOYA)**

Vexatious litigant application denied

The application of petitioner for leave to file Petition for Writ of Mandate is hereby denied.

S165388**ESHAGHIAN (MARY) v.
COMMITTEE OF BAR
EXAMINERS**

The application for stay and petition for writ of review are denied.

S163987 A117171 First Appellate District, Div. 4 **PEOPLE v. PRASAD
(ASHISH)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 8, 2008.

S164043 B192342 Second Appellate District, Div. 3 **S.C. MANUFACTURED
HOMES, INC., ET AL. v.
LIEBERT (NORMAN SCOTT)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2008.

S164118 B188733 Second Appellate District, Div. 8 **UNTERBERGER (DOMINIK)
v. RED BULL NORTH
AMERICA, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 2, 2008.

S164168 B173223 Second Appellate District, Div. 3 **PEOPLE v. IRAHETA
(CARLOS MIGUEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 4, 2008.

S164213 E042483 Fourth Appellate District, Div. 2 **PEOPLE v. DIN (RICHARD)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 10, 2008.

S164237 H029892 Sixth Appellate District **PEOPLE v. SLATER (CAROL
LEE)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 8, 2008.

S164242 B198139 Second Appellate District, Div. 3

**ANTELOPE VALLEY PRESS
v. POIZNER (STEVE)/(STATE
COMPENSATION
INSURANCE FUND)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 8, 2008.

S164253 H030938 Sixth Appellate District

**PEOPLE v. MELERO
(JOSEPH ANTHONY)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 9, 2008.

S164259 B196869 Second Appellate District, Div. 5

**PEOPLE v. MARISCAL
(ADRIAN SALVADOR)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 9, 2008.

S164267 B208049 Second Appellate District, Div. 7

**JOHN (ALEYAMMA) v. S.C.
(PERSONNEL COMMISSION
OF LOS ANGELES UNIFIED
SCHOOL DISTRICT)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 5, 2008.

S164296 E041057 Fourth Appellate District, Div. 2

**PEOPLE v. CRADIT (LARRY
LEE)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 10, 2008.

S164309 B197529 Second Appellate District, Div. 6

**PEOPLE v. SANCHEZ
(GABRIEL ORTEGA)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 11, 2008.

S164319 A112742 First Appellate District, Div. 5 **PEOPLE v. GREEN (JOHN EARL)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 10, 2008.

S164322 B198422 Second Appellate District, Div. 7 **PEOPLE v. HARVEY (NICHOLAS)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 11, 2008.

S082915 **PEOPLE v. EUBANKS (SUSAN DIANNE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Megan J. Beale's representation that she anticipates filing the respondent's brief by October 15, 2008, counsel's request for an extension of time in which to file that brief is granted to October 6, 2008. After that date, only one further extension totaling about 9 additional days is contemplated.

S158528 C044703 Third Appellate District **PEOPLE v. ROBINSON (PAUL EUGENE)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to September 29, 2008.

S162313 B192375 Second Appellate District, Div. 8 **CHAVEZ (ROBERT) v. CITY OF LOS ANGELES**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file Appellant's Answer Brief on the Merits is extended to September 15, 2008.

S162823 D050554 Fourth Appellate District, Div. 1 **PEOPLE v. MCKEE (RICHARD)**
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Stephen M. Hinkle is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S157151

**L. (JOHN),
CONSERVATORSHIP OF**

Permission to file amicus curiae brief granted

The application of Protection & Advocacy, Inc., for permission to file an amicus curiae brief in support of objector and appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S157151

**L. (JOHN),
CONSERVATORSHIP OF**

Permission to file amicus curiae brief granted

The application of California State Association of Counties for permission to file an amicus curiae brief in support of respondent is hereby granted.

An answer thereto may be served and filed by any party within 20 days of the filing of the brief.

S154479

**SUSPENSION -
NONPAYMENT**

Order filed

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of DANIEL KENNETH GETTINGER, #156956, pursuant to our order filed on July 17, 2007, is hereby terminated.

This order is final forthwith.

S154479

**SUSPENSION -
NONPAYMENT**

Order filed

PAUL ETAN FISHER, #125309, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to rule 9.22 of the California Rules of Court, IT IS HEREBY ORDERED that PAUL ETAN FISHER, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after August 29, 2008.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall

be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;
IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S154741**SUSPENSION DUES -
NONPAYMENT**

Order filed

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name HOWARD ROBERT KING, #98138.

S154741**SUSPENSION DUES -
NONPAYMENT**

Order filed

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name LESLIE JOEL PRESTON, #62442.

S154741**SUSPENSION DUES -
NONPAYMENT**

Order filed

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name MILTON BERNARD LIPTON, #82343.

S164208**SUSPENSION -
NONPAYMENT**

Order filed

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on June 12, 2008, effective July 1, 2008, be amended nunc pro tunc to strike the name PAUL R. BARTLESON, #119273.

S165090**MCCARTHY (CHARLES) v.
S.C. (BORJA)**

Transferred to Court of Appeal, First Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S165184**RAYMOND (COLLETTE) v.
S.C. (COUNTRYWIDE HOME
LOANS, INC., ET AL.)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

Fourth Appellate District, Div. 2 TRANSFER ORDERS

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division Three:

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| 1. | E045576 | People v. Robert Hurst |
| 2. | E045492 | People v. Charles Plunkett |
| 3. | E045597 | People v. Jorge Ramirez |
| 4. | E045293 | People v. Jaime Alvarez |
| 5. | E044746 | People v. Eulises Perez |
| 6. | E045538 | People v. Jaime Matos |
| 7. | E045267 | People v. John Burton |
| 8. | E045644 | People v. Jose Marquez |